

**ADJOURNMENT**

On motion of Senator Harris of Dallas, the Senate at 12:24 p.m. adjourned until 11:00 a.m. tomorrow.

**SECOND DAY**

(Wednesday, January 13, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Parker.

A quorum was announced present.

Pastor Kathryn Longley, Interim Pastor, University Methodist Church, Austin, offered the invocation as follows:

Holy and living God, this Senate is called together today—women and men charged with the challenging responsibility of fulfilling the trust placed in each individual member by the people of the State of Texas.

Many come with apprehension and uncertainty as to term lengths, committee assignments, and the magnitude of the issues to be decided. Help them to be strengthened and reassured by the confidence that comes from trusting in You.

Keep always before us the knowledge that each of us, each person we come in contact with, and each person that our decisions affect, was created in Your image according to Your purpose. We are especially mindful of the school children—the embodiment of our future and our hope. Be with each individual in this room as they work toward creating and funding a school system that is founded upon the worth, dignity, and potential You provide through creation. Help them to move from seeing all of their past efforts with weariness and discouragement to a new understanding of that previous work as foundational and preparatory in creating fertile ground in which new ideas and solutions can flourish. Help them to remember that just as You created in the beginning, You continue to create today.

In all of the challenges that lie ahead, make Your wisdom, will, and direction known. Push us past our own egos, pettiness, and narrow self-interest to new vision centered in equality and justice.

We pray this for our sakes, and for the sake of the future which You have called us to shape. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### **LEAVE OF ABSENCE**

On motion of Senator Harris of Dallas, Senator Parker was granted leave of absence for today on account of important business.

#### **CO-AUTHOR OF SENATE JOINT RESOLUTION 1**

On motion of Senator Sibley and by unanimous consent, Senator Patterson will be shown as Co-author of S.J.R. 1.

#### **GUESTS PRESENTED**

Senator Zaffirini was recognized and extended to the Members an invitation to attend the 96th Annual Washington's Birthday Celebration in Laredo, February 13-21, 1993, when Lieutenant Governor Bob Bullock will be honored as "Mr. South Texas."

Senator Zaffirini then introduced to the Senate Manuel Bravo, 1993 President of the Washington's Birthday Celebration Association; Kristina Rathmell, U.S. Abrazo Child, 1993; Joaquin Ramirez, Jr., U.S. Abrazo Child, 1993; Liz Angelica Sandoval Ramos, Mexican Abrazo Child, 1993; and Sergio Alberto Vela Lopez, Mexican Abrazo Child, 1993.

The Senate expressed its thanks for the invitation and welcomed the guests.

(Senator Truan in Chair)

#### **SENATE RESOLUTION 9**

Senator Barrientos offered the following resolution:

WHEREAS, Robert C. Sneed, son of Jerome Sneed, Jr., and Nancy Carter Sneed, is celebrating his 70th birthday; and

WHEREAS, This distinguished gentleman interrupted a law career that started with enrollment in The University of Texas School of Law in 1942 to serve honorably as a bombardier in the United States Army Air Corps from 1943 until 1945; and

WHEREAS, He married the former Anna Tutt of Dallas in 1947; that same year he graduated from law school, was licensed as an attorney by the State of Texas, and formally joined the Sneed family law firm, which has been actively benefiting the law and its clients since 1926; and

WHEREAS, Active in the legislative process, either as an errand boy, messenger, lawyer, lobbyist, or political adviser since 1932, Mr. Sneed had gone so far as to sneak out of the Legislative Library instead of studying his school course work so he could watch committees of the Texas Legislature conduct their business; and

WHEREAS, He has continued the family commitment to equality, courage, and honesty exemplified by his grandfather, Jerome R. Sneed, a member of the Texas House in the 30th and 31st sessions, who impressed upon his grandson the value of public service and fair play through his

authorship of a law banning the wearing of masks during political functions and rallies, one of the first successful antiterrorist measures in the South; and

WHEREAS, Mr. Sneed, has continually represented one client, the Texas Association of Life Insurance Officials, for 45 years and another, the Texas Land Title Association, for 20 years; and

WHEREAS, He has always made himself available for public discussions large and small, from the authorship of complete chapters of the Insurance Code or revisions of its fundamental element, to providing unparalleled expertise on the subject of land titles, thereby saving Texans' rights to the land whether those citizens are great or small, as he did in helping residents of Texas "colonias" with his astute analysis of the 1989 "colonias" bill; and

WHEREAS, Earning a reputation for unquestioned honesty in all his dealings, Mr. Sneed has been recognized by his peers for his integrity to the extent that his word alone has been sufficient basis for accepting, amending, or rejecting legislative language or intent; and

WHEREAS, A dedicated political activist, Mr. Sneed had a positive influence on the political process through his service as Travis County Democratic Party Chairman from 1966 through 1972, helping pioneer the application of diversification of Texas politics through the encouragement and inclusion of minorities, whether ethnic, gender, or cultural, long before it was acknowledged as fair, wise, or right to do so, and his service on the Texas School Land Board in 1965; and

WHEREAS, A generous and long-standing supporter and encourager of Texas youth, Mr. Sneed has exercised leadership and continued participation in the Travis County Livestock Exposition and Rodeo; and

WHEREAS, It is indeed appropriate that Robert C. Sneed be recognized and applauded on his positive influence on successive generations of attorneys, legislators, and lobbyists since 1947; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby join with his proud family: his wife, Anna; his children, Jerry, Helen, John, and Kaysie; and his grandchildren, Angel and Christi Polanski and Scott Sneed in celebrating the life, the birthday, and the contributions of this Texas leader and legislative institution; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Mr. Sneed as an expression of highest esteem and respect from the Texas Senate.

The resolution was read.

On motion of Senator Harris of Dallas and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Barrientos, the resolution was adopted by a viva voce vote.

(Senator Haley in Chair)

#### SENATE CONCURRENT RESOLUTION 4

Senator Harris of Dallas offered the following resolution:

**S.C.R. 4,** Granting each house permission to adjourn for more than three days during the period beginning on January 14, 1993, and ending on January 25, 1993, or from time to time for more than three days during that period.

The resolution was read.

On motion of Senator Harris of Dallas and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

#### SENATE RESOLUTION 11

Senator Harris of Dallas offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, That the Rules of the Senate of the 72nd Legislature, as amended, are adopted as the Temporary Rules of the Senate of the 73rd Legislature with the following modifications:

1. Amend Rule 5.08 to read as follows:

##### MORNING CALL

Rule 5.08. The President then shall call:

- (1) ~~for reports from standing committees;~~
- ~~(2)~~ for reports from select committees;
- (2) ~~(3)~~ for Senate bills and resolutions and House bills and resolutions on first reading and referral to committee;
- (3) ~~(4)~~ for the introduction and consideration of resolutions;
- (4) ~~(5)~~ for messages and executive communications;
- (5) ~~(6)~~ for motions to print on minority reports;
- (6) ~~(7)~~ for other motions not provided herein, including but not limited to motions to set a bill for special order, to reconsider, to print and not print bills, to rerefer bills, to concur in House amendments to Senate bills, to not concur in House amendments to Senate bills, to request the appointment of conference committees, and to adopt conference committee reports.

This concludes the morning call, which the President shall announce to the Senate.

It shall not be in order, during the morning call, to move to take up a bill or resolution out of its regular order, and the presiding officer shall not recognize any Senator for the purpose of making any such motion or making a motion to suspend this rule. (Former Rule 11)

2. Amend Rule 5.12 to read as follows:

##### REGULAR ORDER OF BUSINESS

Rule 5.12. (a) Bills and resolutions shall be considered on second reading and shall be listed on the daily calendar of bills and resolutions on the President's table for second reading in the order in which the committee reports on them are received by [submitted to] the Secretary of the Senate. Upon receipt of a committee report on a bill or resolution, the Secretary of the Senate shall date and time stamp the report and forward a copy to the Journal Clerk who shall record the order in which the committee report was received in the Senate Journal. (Former Rule 91)

(b) Bills and resolutions shall be considered on third reading in the order in which they were passed on second reading.

3. Amend Rule 5.14 to read as follows:

#### INTENT CALENDAR

Rule 5.14. (a) During a regular session of the Legislature, any member who desires to suspend the regular order of business and take up a bill, joint resolution, or resolution out of its regular order shall give written notice of such intent to the Secretary of the Senate, on forms provided by the Secretary, not later than 4:00 p.m. on the last preceding calendar day that the Senate was in session. Unless the printing rule has been previously suspended, no bill, joint resolution, or resolution shall be eligible to be placed on the Intent Calendar unless at the time that the notice is given to the Secretary of the Senate the bill, resolution, or joint resolution has been printed and laid out on the members' desks. [The Secretary shall provide forms for this purpose.] Notice must be given from day to day. No member may give notice on more than three bills or resolutions prior to May 1 or on more than five bills or resolutions on or after May 1.

(b) The Secretary shall prepare a list of all legislation for which notice has been given. The list must be made available to each member of the Senate and to the press no later than 6:30 p.m. on the day the notice is filed.

(c) No provision of this rule may be suspended except by vote of four-fifths of the members present. (Former Rule 14.2)

4. Amend Rule 6.01 to read as follows:

#### MOTIONS AND THEIR PRECEDENCE

Rule 6.01. (a) When a question is under consideration by the Senate, no motion shall be made except:

- (1) to fix the day to which the Senate shall adjourn or recess;
- (2) to adjourn or recess;
- (3) to proceed to the transaction of executive business;
- (4) the previous question;
- (5) to lay on the table;
- (6) to lay on the table subject to call;
- (7) to postpone to a time certain;
- (8) to commit;
- (9) to amend;
- (10) to postpone indefinitely.

These several motions have precedence in the order named. It shall be in order to make any number of the above motions before any vote is taken, but the votes shall be taken on all such motions made in the order of the precedence above stated. (Former Rule 16)

(b) Upon compliance with pertinent Senate Rules, motions addressing House amendments to Senate bills, resolutions suspending the constitutional limitation on spending, resolutions suspending conference committee limitations, appointment of conference committees, and conference committee reports are privileged and may be taken up at any time when no other matter is pending before the Senate.

5. Amend Rule 6.13 to read as follows:

**DISPENSE ~~[SUSPENSE]~~ WITH READING OF PAPERS**

Rule 6.13. When the reading of a paper is called for and the same is objected to by any member, it shall be determined by a majority vote of the Senate and without debate. (Former Rule 25)

6. Amend Rules 7.09 through 7.27 by amending Rule 7.09, by deleting Rules 7.10 and 7.11, by amending and renumbering Rules 7.13, 7.14, 7.18, 7.19, 7.23, 7.25, and 7.26, and by renumbering Rules 7.12, 7.15, 7.16, 7.17, 7.20, 7.21, 7.22, 7.24, and 7.27 to read as follows:

**ANALYSIS OF FISCAL IMPLICATIONS OF BILL OR RESOLUTION**  
**~~[ACTUARIAL ANALYSES]~~**

Rule 7.09. (a) For any statement or analysis required by this rule, the Senate Committee on Administration shall adopt such necessary forms and procedures as are required to ensure that the members of the Senate are informed as to the fiscal or actuarial impact of proposed legislation to the state or other unit of government.

(b) On any bill or resolution that proposes to change benefits or participation in benefits of a public retirement system or that would otherwise change the financial obligations of a public retirement system, there shall be attached an actuarial analysis, together with a statement prepared by the State Pension Review Board reviewing the actuarial analysis and commenting on the legislation.

(c) On any bill or joint resolution which authorizes or requires the expenditure or diversion of any state funds for any purpose, except the general appropriations bill, there shall be attached a fiscal note signed by the director of the Legislative Budget Board and outlining the fiscal implications and probable cost of the measure for the first five years after its passage, and a statement as to whether or not there will be a cost involved thereafter.

(d) On any bill or resolution that authorizes or requires a change in the sanctions applicable to adults convicted of felony crimes, there shall be attached a Criminal Justice Policy Impact Statement signed by the director of the Legislative Budget Board and outlining the estimated impact of the proposed policy changes on the programs and work load of state corrections agencies and on the demand for resources and services of those agencies.

(e) On any bill or resolution that authorizes or requires a change in the public school finance system, there shall be attached an Equalized Education Funding Impact Statement signed by the director of the Legislative Education Board and outlining the estimated impact of the proposed policy changes on state equalized funding requirements and policies.

(f) On any bill or resolution that has an identifiable and measurable effect on the dockets, work loads, efficiency, staff and personnel requirements, operating resources, and currently existing material resources of the Supreme Court of Texas, the Court of Criminal Appeals of Texas, the courts of appeals, the district courts, the statutory county courts, the county courts at law, the county courts, and the justice courts of this state, there shall be attached a Judicial System Impact Statement signed by the

~~director of the Legislative Budget Board and outlining the estimated impact of the measure on the judicial system. [Except as otherwise provided by this rule, a bill or joint resolution that proposes to change benefits or participation in benefits of a public retirement system or that otherwise would change the financial obligations of a public retirement system must have, in addition to any fiscal note required under Rule 7.10, an actuarial analysis prepared in compliance with this rule, together with a statement prepared by the State Pension Review Board reviewing the actuarial analysis and commenting on the legislation attached to the bill or resolution before a committee hearing may be held on it and attached to the bill or resolution on first printing.~~

~~[(b) An actuarial analysis is not required for the general appropriations bill, a bill or resolution that would change the financial obligations of a retirement system only by modifying the compensation of members of the system or modifying the administrative duties of the system, or a bill or resolution that would change the financial obligations of a retirement system only by imposing an expense on the system in the same manner that the expense is imposed on other agencies or units of government.~~

~~[(c) In this rule, "public retirement system" means a continuing, organized program of service retirement, disability retirement, or death benefits for officers or employees of the state or a political subdivision but does not include a program for which benefits are administered by a life insurance company, a program providing only workers' compensation benefits, or a program administered by the federal government.~~

~~[(d) An actuarial analysis must show the economic effect of the proposed bill or resolution on the public retirement system, including a projection of the annual actuarial cost or liability imposed by the proposal on the affected system, the effect of the legislation on the amortization schedule for liabilities of the system assuming various levels of payroll increases, and the estimated dollar change in the unfunded liability of the system. If the bill or resolution applies to more than one public retirement system, the projections in the analysis may be limited to each affected statewide public retirement system and each affected system in a city having a population of 200,000 or more, according to the results of the most recent decennial census.~~

~~[(e) An actuarial analysis must state the actuarial assumptions and methods of computation used in the analysis and, using an advanced funding actuarial cost method, must state whether or not the bill or resolution, if it becomes law, will make the affected public retirement system actuarially unsound or, in the case of a system already actuarially unsound, more unsound. The actuarial information in an actuarial analysis must be prepared by an actuary who has at least five years of experience working with one or more public retirement systems and who is a fellow of the Society of Actuaries, a member of the American Academy of Actuaries, or an enrolled actuary under the federal Employees Retirement Income Security Act of 1974. An actuarial analysis must contain a certification by the actuary that the contents of the analysis fulfill the requirements of this rule. The actuary may include an explanation or description of the actuarial information contained in the analysis.~~

~~[(f) As soon as practicable after a bill or joint resolution is referred to a standing committee, the committee chair shall determine whether or not an actuarial analysis is required. If the chair determines that an actuarial analysis is required, the chair shall send a copy of the bill or resolution, with actuarial analysis attached, to the State Pension Review Board with a request that a review of the actuarial analysis and comment on the legislation be prepared and sent to the committee. The executive director of the State Pension Review Board shall return a copy of the actuarial analysis, together with the board's statement of review and comment, to the committee that requested it, to the author or sponsor of the affected bill or resolution, and to the Legislative Budget Board.]~~

~~[(g) Once a bill or resolution has been referred to the State Pension Review Board, a committee hearing on the bill may proceed as long as any actuarial analysis, statement of review, or comment that is available to the committee at the time is attached.]~~

~~[(h) If a bill or resolution for which an actuarial analysis is required is amended by a committee in a way that alters its economic implications, the chair of the committee shall request the State Pension Review Board to obtain an updated actuarial analysis. If timely received, an updated actuarial analysis and updated review and comment by the State Pension Review Board must be attached to the affected bill or resolution as a part of the committee report. All actuarial analyses and statements of review and comment timely received must remain with the bill or resolution throughout the legislative process, including the process of submission to the Governor. (Former Rule 94.2)]~~

#### [FISCAL NOTES]

~~[Rule 7.10. (a) Any bill or joint resolution which authorizes or requires the expenditure or diversion of any state funds for any purpose, except the general appropriations bill, shall have a fiscal note signed by the director of the Legislative Budget Board attached to the bill or resolution, outlining the fiscal implications and probable cost of the measure each year for the first five years after its passage and a statement as to whether or not there will be a cost involved thereafter. The fiscal note shall include the number of additional employees considered in arriving at the probable cost.]~~

~~[(b) Any bill or joint resolution that has statewide impact on units of local government of the same type or class and that authorizes or requires, presently or in the future, the expenditure or diversion of local funds or that proposes any new local tax, fee, license charge, or penalty or any increased or decreased local tax, fee, license charge, or penalty shall have a fiscal note signed by the director of the Legislative Budget Board attached to the bill or resolution, outlining the fiscal implications and probable cost of the measure to the affected unit or units of local government each year for the first five years after its passage and a statement as to whether or not there will be a cost involved thereafter. This requirement shall not apply to any local or special bill affecting only one unit of government.]~~

~~[(c) In Subsection (b) of this rule, "unit of local government" means~~



county, city, town, school district, conservation district, hospital district, or any other political district.

~~[(d) In preparing a fiscal note, the director of the Legislative Budget Board may utilize information or data supplied by any person, agency, organization, or governmental unit the director deems reliable and, if so, may state the source or sources of the information or data used and the extent to which the director relied on the information or data in preparing the fiscal note. If the director determines that the fiscal implications of the bill or resolution cannot be ascertained or that the bill or resolution authorizes an unlimited expenditure or diversion of funds for any period to which the fiscal note applies, the director shall so state in the fiscal note, in which case the fiscal note shall be in full compliance with this rule.~~

~~[(e) It shall be the duty of the chair of each standing committee, immediately after the bill or resolution has been referred to the standing committee, to determine whether or not a fiscal note is required and, if so, to send a copy of the bill or resolution to the Legislative Budget Board with a request for the preparation of a fiscal note. The Legislative Budget Board shall forward a copy of each fiscal note to the chair and the author or sponsor of the affected bill or resolution. The fiscal note shall be attached to the affected bill or resolution before a committee hearing can be conducted.~~

~~[(f) In the event a bill or resolution is amended by the committee so as to alter its fiscal implications, an updated fiscal note shall be obtained by the chair and attached to the bill or resolution as a part of the committee report. All fiscal notes or author's statements, original and updated, shall remain with the bill or resolution throughout the entire legislative process, including submission to the Governor. (Former Rule 94.3)~~

#### ~~[CRIMINAL JUSTICE POLICY AND EQUALIZED EDUCATION FUNDING IMPACT STATEMENTS]~~

~~[Rule 7.11. (a) If the chair of a standing committee determines that a bill or resolution authorizes or requires a change in the sanctions applicable to adults convicted of felony crimes, the chair shall send a copy of the bill or resolution to the Legislative Budget Board for the preparation of a criminal justice policy impact statement that includes an estimate of the impact of proposed policy changes on the programs and work loads of state corrections agencies and on the demand for resources and services of those agencies. In this subsection, "sanctions" includes sentences as well as adjustments to sentences such as probation, parole, and mandatory supervision, including changes in policy or statutes related to eligibility, revocation, and good time credits.~~

~~[(b) If the chair of a standing committee determines that a bill or resolution affects public education, the chair shall send a copy of the bill or resolution to the Legislative Budget Board for the preparation of an equalized education funding impact statement that evaluates the effect of the bill or resolution on all state equalized funding requirements and policies.~~

~~[(c) If the director is unable to acquire or develop sufficient~~

~~information to prepare an impact statement within 15 days after receiving a bill or resolution, the director shall prepare the impact statement by stating that fact, and the impact statement shall be in full compliance with the rules:~~

~~[(d) The Legislative Budget Board shall forward a copy of each impact statement to the author or sponsor of the affected bill or resolution.~~

~~[(e) In preparing an impact statement, the director of the Legislative Budget Board may use information or data supplied by any person, agency, organization, or governmental unit that the director deems reliable and shall state the source or sources of the information or data used and may state the extent to which the director relied on the information or data in preparing the impact statement.~~

~~[(f) If the director determines that the effect of the bill or resolution cannot be ascertained, the director shall prepare the impact statement by stating that fact, and the impact statement shall be in full compliance with the rules.~~

~~[(g) If the chair determines that an impact statement is required, the impact statement must be attached to the bill or resolution before a committee hearing can be conducted on the bill or resolution. The impact statement shall be attached to the bill or resolution on first printing. If the bill or resolution is amended by the committee so as to alter its policy implications, the chair shall obtain an updated impact statement, which shall be attached to the bill or resolution as part of the committee report.~~

~~[(h) All impact statements shall remain with the bill or resolution throughout the entire legislative process, including submission to the governor.]~~

#### FORMAT OF BILLS AND RESOLUTIONS REPORTED BY COMMITTEES

Rule 7.10 [7.12]. (a) A committee may not report a bill or resolution to the Senate unless the bill or resolution complies with Subsection (b) of this rule.

(b) In any section of a bill or joint resolution that proposes to amend an existing statute or constitutional provision, language sought to be deleted must be bracketed and stricken through, and language sought to be added must be underlined. This requirement does not apply to:

- (1) an appropriation bill;
- (2) a local bill;
- (3) a recodification bill;
- (4) a redistricting bill;
- (5) a section of a bill or joint resolution not purporting to amend an existing statute or constitutional provision;
- (6) a section of a bill or joint resolution that revises the entire text of an existing statute or constitutional provision, to the extent that it would confuse rather than clarify to show deletions and additions; and
- (7) a section of a bill or joint resolution providing for severability, nonseverability, emergency, or repeal of an existing statute or constitutional provision.

(c) The President may overrule a point of order raised as to a violation

of Subsection (b) of this rule if the violation is typographical or minor and does not tend to deceive or mislead. (Former Rule 94.4)

(d) The Senate Enrolling Clerk may make certain technical corrections in bills and resolutions to conform the language to requirements of Subsection (b) of this rule and of the Texas Constitution. This subsection applies to misspelled words, mistakes in citations and internal references, numbering and reprinting errors, bracketing and underlining errors, mistakes in grammar and punctuation, and insufficient captions.

#### COMMITTEE SUBSTITUTE BILLS

Rule ~~7.11~~ [7.13]. (a) A committee may adopt and report a complete germane committee substitute containing the caption, enacting clause, and text of a bill or resolution in lieu of the original, in which event the complete substitute bill or resolution shall be laid before the Senate and shall be the matter before the Senate for its consideration instead of the original. If the substitute is defeated at any legislative stage, the bill or resolution is considered not passed. (Former Rule 84)

(b) If a point of order is raised and sustained that a committee substitute bill is not germane or contains provisions not germane to the original bill, the bill shall be returned for further consideration to the committee from which it was reported. If the committee desires to hear additional testimony, the bill shall be posted for public hearing according to the rules of the Senate and is subject to Rule 11.20.

#### PRINTING OF BILLS ON COMMITTEE REPORT

Rule ~~7.12~~ [7.14]. (a) Every favorable committee report on a general bill made by ~~[reported favorably from]~~ a Senate committee shall be printed, unless the Senate on the same day it is reported or on the next legislative day shall order it not printed. Each committee report on a local bill shall be printed, unless the committee making the report ~~[reporting it]~~ recommends that it not be printed, in which case the committee's recommendations shall be effective as an order of the Senate that the report ~~[bill]~~ be not printed. A list of all bills on committee report ordered not printed by the Senate or ordered not printed by committee recommendation shall be listed by number, author, and caption and distributed to each member at the close of each day's business. Copies of all committee reports ~~[bills]~~ printed shall be placed on the desks of Senators on the same day the printed copies are delivered by the printer. No bill except local bills and ~~[except general]~~ bills ~~[that have been]~~ ordered not printed by the Senate shall be considered by the Senate until a printed committee report ~~[copy thereof]~~ has been on the desk of each Senator at least 24 hours. (Former Rule 74)

(b) Every committee report printing on a bill or resolution shall include:

(1) a copy of the committee report form showing the record vote by which the measure was reported, whether the measure was reported favorably or unfavorably, with amendment or with a substitute;

(2) a copy of the original bill or resolution, unless the committee reports a substitute measure;

(3) a copy of any substitute bill or resolution;

(4) a copy of each amendment adopted to the bill or resolution;

(5) any fiscal note on the bill or resolution, including any updated fiscal note to reflect any change in fiscal implications made by amendment or substitute;

(6) any criminal justice impact statement, including any updated statement to reflect any change made by amendment or substitute;

(7) any judicial system impact statement, including any updated statement to reflect any change made by amendment or substitute;

(8) any education funding impact statement, including any updated statement to reflect any change made by amendment or substitute;

(9) any actuarial analysis, including any updated analysis to reflect any change made by amendment or substitute;

(10) a bill analysis, including any updated analysis to reflect any change made by amendment or substitute; and

(11) a list of witnesses testifying in favor, against, or on the bill or resolution.

#### SUSPENSION OF RULE LIMITING

##### CONSIDERATION OF BILLS

Rule 7.13 [7-15]. Except as otherwise provided in Rule 7.08, bills shall not be taken up, considered, or acted upon by the Senate during the first 60 calendar days of the session, unless this rule be suspended by the affirmative vote of four-fifths of the members of the Senate. (Former Rule 89)

#### CONSIDERATION OF HOUSE BILL IN LIEU OF

##### SENATE BILL ON SAME SUBJECT

Rule 7.14 [7-16]. When any Senate bill shall be reached on the calendar or shall be before the Senate for consideration, it shall be the duty of the President to give the place of such bill on the calendar to any House bill which has been referred to and reported from a committee of the Senate containing the same subject or to lay such House bill before the Senate to be considered in lieu of such Senate bill. (Former Rule 67)

##### GERMANENESS

Rule 7.15 [7-17]. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or as a substitute for the motion or proposition under debate. (Constitution, Article III, Section 30) (Former Rule 72(b))

##### AMENDMENTS TO TAX BILLS

Rule 7.16 [7-18]. No amendment shall be considered [offered] to any tax bill on second reading unless the subject matter it entails has been discussed at a Senate committee meeting at which the bill was heard. (Former Rule 72.1)

#### MOTION TO PASS A BILL TO SECOND READING

##### IS NOT NECESSARY

Rule 7.17 [7-19]. No motion ~~is~~ [shall be] necessary to pass a bill to its second reading. The main question on the second reading of the bill shall be, if a Senate bill, "Shall this bill be engrossed and passed to a third reading?" and if it be a House bill, "Shall this bill pass to a third reading?" (Former Rule 71)

#### READING OF BILL ON THREE SEVERAL DAYS

Rule 7.18 [7-20]. No bill shall have the force of a law until it has been

read on three several days in each House and free discussion allowed thereon, but in case of imperative public necessity (which necessity shall be stated in a preamble or in the body of the bill), four-fifths of the House in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension and entered upon the journals. (Constitution, Article III, Section 32) (Former Rules 68 and 33)

#### ADOPTION OF AMENDMENT ON THIRD READING

Rule 7.19 [7.21]. No amendment shall be adopted at the third reading of a bill without the consent of two-thirds of the members present. (Former Rule 75)

#### LIMITATIONS ON APPROPRIATIONS BILLS

Rule 7.20 [7.22]. Unless within the authority of a resolution or resolutions adopted pursuant to Article VIII, Section 22(b), of the Constitution, it is not in order for the Senate to consider for final passage on third reading, on motion to concur in House amendments, or on motion to adopt a conference committee report a bill appropriating funds from the State Treasury in an amount that, when added to amounts previously appropriated by bills finally passed by both Houses and sent to the comptroller or due to be sent to the comptroller, would exceed the limit on appropriations established under Chapter 316, Subchapter A, Government Code. (Former Rule 94.1)

#### HOUSE AMENDMENTS TO SENATE BILLS

Rule 7.21 [7.23]. ~~[(a) When the House of Representatives shall adopt and send to the Senate amendments to a Senate bill, the President may refer the bill and the amendments to the Senate committee that previously had reported on the bill. The committee shall promptly report and recommend whether the Senate should concur in any or all of the House amendments.]~~

~~[(b)] If a Senate bill is returned with House amendments [and the bill is not referred to a Senate committee as set forth in Subsection (a) of this rule], all House amendments must be printed and laid on each member's desk for 24 hours prior to a motion to concur. (Former Rules 74a and 77)~~

#### DEFEATED BILL

Rule 7.22 [7.24]. After a bill has been considered and defeated by either branch of the Legislature, no bill containing the same substance shall be passed into a law during the same session. (Constitution, Article III, Section 34) (Former Rule 83)

#### SIGNING OF BILLS AND RESOLUTIONS BY PRESIDING OFFICER

Rule 7.23 [7.25]. The President of the Senate or the presiding officer ~~[of each House]~~ shall, in the presence of the Senate ~~[House over which he or she presides]~~, sign all bills and joint resolutions passed by the Legislature. The[~~after their~~] titles of all such bills and resolutions shall be [have been] publicly read [before signing], and the fact of the signing shall be entered on the journal [journals]. (Constitution, Article III, Section 38) (Former Rule 76)

#### SEVENTY-TWO-HOUR RULE

Rule 7.24 [7.26]. (a) No bill shall be considered, unless it has been first referred to a committee and reported thereon, and no bill shall be

passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the Legislature. (Constitution, Article III, Section 37) (Former Rule 73)

(b) No bill shall be passed which has not been presented and referred to and reported from a Senate committee at least three days before the final adjournment of the Legislature. It shall require a vote of four-fifths of the members present to suspend this rule. ~~[(Constitution, Article III, Section 37) (Former Rule 73)]~~

#### TWENTY-FOUR-HOUR RULE

Rule ~~7.25~~ [7.27]. No vote shall be taken upon the passage of any bill within the last 24 hours of the session unless it be to correct an error therein, concur in House amendments to Senate bills, or adopt a conference committee report. It shall require a vote of four-fifths of members present to suspend this rule. (Former Rule 73)

7. Amend Rule 11.02 to read as follows:

#### LIST OF SPECIAL AND STANDING COMMITTEES

Rule 11.02. At the beginning of each regular session, the President shall appoint the following special committees and standing committees with the number of members indicated: (Former Rule 94)

##### SPECIAL COMMITTEES

- (1) Committee on Administration (~~2~~ [11] members)
- (2) Committee on Nominations (7 members)

##### STANDING COMMITTEES

- (1) Committee on Criminal Justice (7 members)
- (2) Committee on Economic Development (11 members)
- (3) Committee on Education (11 members)
- (4) Committee on Finance (13 members)
- (5) Committee on Health and Human Services (9 members)
- (6) Committee on Intergovernmental Relations (11 members)
- (7) Committee on Jurisprudence (7 members)
- (8) Committee on Natural Resources (11 members)
- (9) Committee on State Affairs (13 members)
- (10) Committee on International Relations, Trade, and Technology  
(9 members)

8. Amend Rule 11.03 to read as follows:

#### OTHER SPECIAL COMMITTEES

Rule 11.03. (a) The President may appoint additional special committees and may appoint standing subcommittees within committees including subcommittees of the Committee of the Whole Senate. The number of members of these committees and subcommittees shall be determined by the President. (Former Rule 94(b))

(b) The President may direct that a subcommittee of the Whole Senate appointed under this rule report directly to the Senate concerning any matter within its jurisdiction.

9. Amend Rule 11.04 to read as follows:

#### CHAIR AND VICE-CHAIR OF STANDING COMMITTEES AND STANDING SUBCOMMITTEES

Rule 11.04. The President shall designate the chair and vice-chair of

each standing committee and of each standing subcommittee appointed by the President. (Former Rule 94(c))

10. Amend Rule 11.05 to read as follows:

LIMITATIONS ON MEMBERSHIP OF ~~[STANDING]~~  
COMMITTEES ~~[AND STANDING SUBCOMMITTEES]~~

Rule 11.05. A Senator's appointment to any committee or subcommittee, standing, special, select, statutory, or otherwise, is terminated if the Senator fails to be renominated to the Senate or is nominated to any other office. ~~[A Senator may not serve on more than three standing committees and may chair only one committee. For each standing committee with more than 10 members, the President must appoint at least four Senators who served on the committee during the previous legislative session.]~~ (Former Rule 94(c))

11. Amend Rule 11.13 to read as follows:

COMMITTEE REPORTS

Rule 11.13. (a) The chair of a committee shall sign and file with the Secretary of the Senate a written report showing the committee's final action on bills and resolutions considered by the committee. In the chair's absence the vice-chair shall sign and file the report.

(b) The report must be filed with the Secretary of the Senate within three calendar days after the final action is taken, Sundays and days the Senate is not in session excluded. If the report is not filed within the three-day limit, three members of the committee who were present when the final action was taken may file the report without the signature of the chair or vice-chair. (Former Rule 107(b))

(c) The Secretary of the Senate shall note on the committee report the date and time the report was filed and forward the report to be printed in compliance with Rule 7.12.

12. Amend Rule 11.20 to read as follows:

PRIVILEGED NOTICE OF HEARING ON SPECIFIC BILLS  
(TAG RULE)

Rule 11.20. (a) Except as ~~[otherwise]~~ provided in Subsection (d), upon the presentation of a written request to the Secretary of the Senate on a form provided by the Secretary [this rule], a Senator shall receive [is entitled to receive a written notice of the time and place fixed for a public hearing on a specific bill] at least 48 hours advance written notice of the time and place set for a public hearing on a specific bill or resolution which has been referred to a Senate committee [before the hearing is scheduled to commence if:

~~[(1) the Senator has presented a written request for the advance notice to the Secretary of the Senate on a form prescribed by the Secretary; and~~

~~[(2) no other Senator has previously presented a similar request to the Secretary].~~

(b) If the bill or resolution is on the agenda of a committee and the committee meeting has already begun to consider matters on the agenda, the request shall be presented to the chair of the committee rather than the Secretary of the Senate, and the chair shall note the time of the receipt of the request on the request form and immediately deliver the form to the

Secretary. After receipt of the request, the bill shall not be laid before the committee until notice is delivered to the Senator in accordance with this rule.

(c) If requests are filed simultaneously by more than one Senator, each Senator is entitled to advance notice in compliance with this rule.

(d) A Senator is not entitled to ~~such~~ advance notice of the time and place set for a public hearing on a bill or resolution if:

(1) the time and place for a hearing on the bill has been publicly posted for a period of 72 hours and the Senate has been in session at any time during the first 24 hours of the 72-hour period; ~~or~~

(2) at the request of the chair of the committee ~~or subcommittee~~ to which the bill is referred, the Secretary of the Senate notifies each Senator in writing of the time and place for the hearing on the bill at least 48 hours before the hearing begins; ~~or~~

(3) the bill has been laid before a ~~the~~ committee ~~or subcommittee~~ for consideration in a public hearing at which an opportunity to appear and address the subject matter of the bill or resolution was or is afforded to interested parties; or

(4) another Senator has previously presented a similar request to the Secretary or the chair and the bill or resolution has been set for public hearing in compliance with that request.

(e) ~~(c)~~ Upon receipt of written request for advance notice of a hearing, the Secretary of the Senate shall:

(1) immediately inform the chair or in the absence of the chair the vice-chair of the request;

(2) note the time and date of receipt on the request and file a copy of the request for public inspection;

(3) attach a copy of the request to the bill or resolution to which it applies. ~~[The Secretary of the Senate shall attach a copy of the request to the bill for which the advance notice is requested. The Secretary of the Senate shall not accept a request for advance notice of a hearing on a bill unless the bill is in the possession of the Senate and has been referred to a committee. The Secretary of the Senate shall immediately inform the chair or the vice-chair in the chair's absence of the request for advance notice.]~~

~~[(d) If a bill is included on the agenda of a committee meeting and the meeting has commenced, a request for advance notice must be presented to the chair of the committee rather than the Secretary of the Senate. The chair shall note the time the request was received and shall immediately notify the Secretary of the Senate.]~~

~~[(c) If requests for advance notice of a hearing on a bill are presented to the Secretary of the Senate simultaneously by two or more Senators, each Senator is entitled to notice.]~~

(f) The chair of the committee, upon posting a bill or resolution for public hearing in compliance with a request under this rule, ~~[to which a bill subject to advance notice is referred]~~ shall give written notice to ~~[notify in writing]~~ the Secretary of the Senate and the Senator requesting notice of the time and place fixed for the hearing on the bill ~~or resolution~~.



(g) Notice delivered to the office of the Senator requesting 48 hours advance notice shall constitute official notice to that Senator;

(1) if ~~[except]~~ that notice is ~~[shall be]~~ delivered by the office of the Secretary of the Senate between the hours of 8:00 a.m. and 5:00 p.m. during days in which the Senate is convened; or

(2) ~~delivery~~~~[Delivery]~~ of the notice to the Senator's office is ~~[shall be]~~ acknowledged in writing by the Senator or by a member of his or her staff at the time of delivery as to date and hour.

(h) ~~[(g)]~~ If a Senator withdraws a ~~[his or her]~~ request for advance notice of a hearing on a bill or resolution, a subsequently filed request by another Senator shall be honored ~~[is valid]~~ unless a hearing on the bill has already been posted in response to the first request.

~~[(h) A committee may not hear or take any other action on a bill subject to advance notice until the notice has been duly given.]~~

(i) The President of the Senate shall ascertain the facts concerning the giving of a notice of a committee hearing on a bill, and the President's ruling as to the sufficiency of the notice based on the facts as ascertained by the President is the final determination of that point when no appeal from the ruling is made.

(j) If the provisions for requesting 48 hours advance notice before hearing of a Senate bill have been properly fulfilled and a House bill containing the same subject is before the committee, the House bill is considered to require the same 48 hours notice before hearing.

~~[(k) The provisions of this rule apply to resolutions in the same manner that they apply to bills.]~~ (Former Rule 105.1)

13. Amend Rule 16.05 to read as follows:

#### MATTERS REQUIRING VOTE

#### OF TWO-THIRDS OF MEMBERS OF SENATE

Rule 16.05. A vote of two-thirds of the members of the Senate shall be required for:

(1) final passage of proposed amendment to the Constitution; Rule 10.02 (Constitution, Article XVII, Section 1) (Former Rule 31)

(2) immediate effect of a bill; (Constitution, Article III, Section 39)

(3) the release of payment of taxes in cases of great public calamity; (Constitution, Article VIII, Section 10) (Former Rule 31)

(4) final passage of bills to reduce county to less area than 900 square miles; (Constitution, Article IX, Section 1) (Former Rule 31)

(5) passage of an address to the Governor for the removal of any civil officer; (Constitution, Article XV, Section 8) (Former Rule 31)

(6) expulsion of a member of the Senate; Rule 4.09 (Constitution, Article III, Section 11) (Former Rule 31)

(7) passage of House bills that have been returned by the Governor with objections, ~~[;]~~ Rule 6.20 (Constitution, Article IV, Section 14) (Former Rule 31(b))

~~[(8) authorization for the President to appoint special committees and subcommittees within committees. Rule 11.03 (Former Rule 94)]~~

14. Amend Rule 16.09 to read as follows:

**MATTERS REQUIRING VOTE WHEN LESS THAN  
A QUORUM IS PRESENT**

Rule 16.09. When a quorum is not present, a majority of the members present may ~~authorize a~~:

(1) ~~authorize a~~ call of the Senate; Rule 5.04 (Former Rule 4) See note to Rule 5.04.

(2) ~~authorize a~~ call for absent members; ~~or[-]~~ Rule 5.02 (Former Rules 1 and 2) See note to Rule 5.02.

(3) ~~adjourn or recess.~~

HARRIS OF DALLAS  
ARMBRISTER

The resolution was read and was adopted by a viva voce vote.

(President in Chair)

**APPOINTMENT OF STANDING AND SPECIAL COMMITTEES**

The President announced the appointment of the following as Standing and Special Committees of the Senate of the 73rd Legislature:

**COMMITTEE OF THE WHOLE SENATE ON REDISTRICTING,  
ETHICS AND ELECTIONS (Special)**

Carriker, Chair; Harris of Dallas, Vice-chair; Armbrister, Barrientos, Bivins, Brown, Ellis, Haley, Harris of Tarrant, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

**CRIMINAL JUSTICE (Standing)**

Whitmire, Chair; Brown, Vice-chair; Nelson, Sibley, Sims, Turner, West.

**ECONOMIC DEVELOPMENT (Standing)**

Parker, Chair; Lucio, Vice-chair; Ellis, Haley, Harris of Tarrant, Harris of Dallas, Leedom, Madla, Rosson, Shapiro, Wentworth.

**EDUCATION (Standing)**

Ratliff, Chair; Haley, Vice-chair; Barrientos, Bivins, Harris of Tarrant, Luna, Montford, Shapiro, Sibley, Turner, Zaffirini.

**FINANCE (Standing)**

Montford, Chair; Turner, Vice-chair; Armbrister, Barrientos, Bivins, Ellis, Haley, Moncrief, Parker, Ratliff, Sims, Truan, Zaffirini.

**HEALTH AND HUMAN SERVICES (Standing)**

Zaffirini, Chair; Ellis, Vice-chair; Madla, Moncrief, Nelson, Patterson, Shelley, Truan, Wentworth.

**INTERGOVERNMENTAL RELATIONS (Standing)**

Armbrister, Chair; Leedom, Vice-chair; Carriker, Henderson, Madla, Moncrief, Patterson, Rosson, Shapiro, Wentworth, Whitmire.

**INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY  
(Standing)**

Truan, Chair; Barrientos, Vice-chair; Bivins, Brown, Carriker, Harris of Tarrant, Lucio, Rosson, Wentworth.

**JURISPRUDENCE (Standing)**

Henderson, Chair; Harris of Tarrant, Vice-chair; Brown, Harris of Dallas, Luna, Parker, West.

**NATURAL RESOURCES (Standing)**

Sims, Chair; Truan, Vice-chair; Armbrister, Barrientos, Bivins, Brown, Carriker, Lucio, Montford, Ratliff, Shelley.

**SUBCOMMITTEE ON AGRICULTURE**

Bivins, Chair; Carriker, Vice-chair; Lucio, Ratliff, Shelley.

**SUBCOMMITTEE ON WATER**

Truan, Chair; Brown, Vice-chair; Armbrister, Barrientos, Montford.

**STATE AFFAIRS (Standing)**

Harris of Dallas, Chair; Rosson, Vice-chair; Carriker, Henderson, Leedom, Lucio, Luna, Nelson, Patterson, Shelley, Sibley, West, Whitmire.

**ADMINISTRATION (Special)**

Haley, Chair; Moncrief, Vice-chair; Ellis, Montford, Shapiro, Truan, Turner.

**NOMINATIONS (Special)**

Barrientos, Chair; Sibley, Vice-chair; Armbrister, Ellis, Harris of Dallas, Turner, Whitmire.

**SENATE RULE 11.11 SUSPENDED**

On motion of Senator Ratliff and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Education might meet today.

**SENATE RULE 11.11 SUSPENDED**

On motion of Senator Montford and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Finance might meet today.

**SENATE RULE 11.19 SUSPENDED**

On motion of Senator Haley and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Administration might consider S.B. 98 tomorrow.

**CAPITOL PHYSICIAN**

Senator Barrientos was recognized and presented Dr. Elliot Trester of Austin as the "Doctor for the Day."

The Senate welcomed Dr. Trester and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

**MOTION TO ADJOURN**

On motion of Senator Harris of Dallas and by unanimous consent, the

Senate agreed to adjourn until 11:00 a.m. tomorrow upon completion of the introduction and referral of bills and resolutions on first reading.

#### SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

**S.C.R. 1** by Bivins Health and Human Services  
Urging the electronic benefit transfer project, under the guidance of the citizens task force and the various cooperating state agencies, to set 1995 as the goal for the statewide implementation of the electronic benefit transfer system.

**S.C.R. 2** by Carriker Administration  
Granting the Texas YMCA Youth and Government Program permission to use the House and Senate Chambers on February 25, 26, and 27 in 1993 and February 17, 18, and 19 in 1994.

**S.C.R. 3** by Whitmire Administration  
Granting permission to the Texas DeMolay Association to use the Senate Finance Committee Room in the Capitol Extension and the chamber of the house of representatives in the State Capitol on February 20 and 21, 1993, and February 19 and 20, 1994.

**S.J.R. 1** by Sibley, Patterson, Shapiro, Wentworth State Affairs  
Proposing a constitutional amendment to limit the number of times an official in the executive or legislative department of the state may be elected.

**S.B. 1** by Zaffirini, Leedom, Turner, Rosson, State Affairs  
Lucio, Montford, Patterson, Armbrister, West, Shapiro, Shelley, Madla, Ratliff, Sibley, Harris of Tarrant, Bivins, Ellis, Wentworth, Moncrief, Truan, Nelson  
Relating to eligibility for federal funds for highway and alcohol-awareness programs through the implementation of a statewide administrative driver's license revocation program; providing penalties.

**S.B. 3** by Truan State Affairs  
Relating to family and medical leave for certain employees; providing a civil penalty.

**S.B. 5** by Montford Finance  
Appropriating money for the support of the Judicial, Executive and Legislative Branches of the State government, for the construction of State buildings, and for State aid to public junior colleges, for the period beginning September 1, 1993 and ending August 31, 1995, authorizing and prescribing conditions, limitations, rules and procedures for allocating and expending the appropriated funds; and declaring an emergency.

**S.B. 8** by Zaffirini State Affairs  
Relating to providing an alcoholic beverage to a minor.

**S.B. 9** by Zaffirini Criminal Justice  
Relating to the use of prior convictions in sentencing a person convicted of driving while intoxicated.

- S.B. 10** by Zaffirini State Affairs  
Relating to alcoholic beverages in motor vehicles.
- S.B. 11** by Zaffirini Criminal Justice  
Relating to the term "intoxicated" as used in defining the offense of driving while intoxicated and in the law governing the taking of specimens of body substances.
- S.B. 12** by Brown Criminal Justice  
Relating to access to personal information about jurors in a criminal trial.
- S.B. 13** by Brown, Bivins, Sibley, Nelson, Criminal Justice  
Lucio, Wentworth, Patterson  
Relating to the murder of an individual under six years of age as a capital offense.
- S.B. 14** by Brown Criminal Justice  
Relating to the punishment for certain offenses under the Texas Controlled Substances Act in regard to which the defendant is criminally responsible for the conduct of a person younger than 17 years of age.
- S.B. 15** by Brown Criminal Justice  
Relating to the liability of a person who manufactures or delivers certain illegal substances for damages arising from the use of the substances.
- S.B. 16** by Brown, Lucio Criminal Justice  
Relating to drug-free zones and to the imposition of penalties for delivering, manufacturing, or possessing with the intent to deliver or manufacture a controlled substance in drug-free zones.
- S.B. 17** by Carriker, Rosson Jurisprudence  
Relating to the exemption of property in this state from the satisfaction of another state's judgment for unpaid income taxes on certain retirement benefits.
- S.B. 18** by Moncrief Health and Human Services  
Relating to the screening and treatment for tuberculosis of employees, volunteers, and inmates in county, municipal, and private jails and other correctional facilities.
- S.B. 19** by Moncrief Health and Human Services  
Relating to suits affecting the parent-child relationship, including the regulation of adoption procedures; creating an offense.
- S.B. 20** by Moncrief, Ellis Education  
Relating to education for self-development and life skills in public schools.
- S.B. 21** by Moncrief Intergovernmental Relations  
Relating to the sheriff's petty cash fund.
- S.B. 22** by Moncrief, Ellis Intergovernmental Relations  
Relating to a performance bond required of county contractors.
- S.B. 23** by Moncrief, Lucio Natural Resources  
Relating to the protection of certain animals; providing civil and criminal penalties.

**S.B. 25 by Moncrief, Ellis, Montford, Criminal Justice  
Harris of Tarrant, Carriker, Ratliff, Turner, Patterson, Shapiro, Shelley,  
Nelson, Sibley, Sims, Leedom, Lucio, Truan, Madla, Armbrister,  
Barrientos, Wentworth, Parker, Bivins, West, Rosson, Harris of Dallas,  
Haley, Luna, Zaffirini, Henderson, Whitmire, Brown  
Relating to the creation of a stalking offense.**

**S.B. 27 by Moncrief** State Affairs  
**Relating to cancellation of wine and beer retailer permits and retail dealer**  
**on-premise licenses.**

<b>S.B. 29 by Moncrief</b>	<b>Finance</b>
Relating to procedural requirements regarding and licensing fees charged a convalescent or nursing home or related institution; making an appropriation.	

**S.B. 31 by Moncrief, West** State Affairs  
Relating to minimum standards for smoking in certain public places or at  
certain public meetings; creating an offense and providing penalties.

**S.B. 33** by Ratliff, Armbrister, Carriker, Haley, Sibley, Sims, Zaffirini  
Relating to district offices of the Texas Department of Transportation.

**S.B. 35 by Ratliff** Health and Human Services  
 Relating to the authority of the Texas Department of Human Services to  
 obtain criminal conviction records of employees of certain providers of  
 services to the elderly or persons with disabilities.

**S.B. 37** by Ellis Criminal Justice  
Relating to the eligibility for parole for certain persons committing  
aggravated offenses.

- S.B. 38** by Sibley Criminal Justice  
Relating to the peremptory challenge of a juror in a criminal case based on the juror's race.
- S.B. 39** by Sibley Criminal Justice  
Relating to the preparation of a list of potential witnesses for use of the parties in conducting the voir dire examination in a criminal case.
- S.B. 40** by Sibley Criminal Justice  
Relating to the hearsay statement of a child abuse victim.
- S.B. 41** by Sibley Criminal Justice  
Relating to notice of the intended use of an alibi defense in a criminal case.
- S.B. 42** by Sibley Criminal Justice  
Relating to the murder of a judicial officer or a participant in a court proceeding.
- S.B. 43** by Sibley Criminal Justice  
Relating to the creation of a stalking offense.
- S.B. 44** by Sibley Criminal Justice  
Relating to eligibility for deferred adjudication of a person who has been previously convicted of certain offenses or has previously received deferred adjudication.
- S.B. 45** by Sibley Criminal Justice  
Relating to the right of a defendant who has pleaded guilty or nolo contendere to appeal the conviction.
- S.B. 46** by Sibley Criminal Justice  
Relating to a reversal of a conviction in a criminal case on the grounds of service by a disqualified juror.
- S.B. 47** by Sibley Criminal Justice  
Relating to requiring certain information to be printed on a practitioner's prescription pad before the prescription may be dispensed.
- S.B. 48** by Sibley Education  
Relating to the permanent expulsion of certain primary or secondary school students.
- S.B. 49** by Sibley State Affairs  
Relating to the elements of the offense of driving while intoxicated.
- S.B. 50** by Sibley Criminal Justice  
Relating to the use of prior convictions in sentencing a person convicted of driving while intoxicated.
- S.B. 51** by Sibley State Affairs  
Relating to possession of alcoholic beverages in motor vehicles.
- S.B. 52** by Sibley Criminal Justice  
Relating to the term "intoxicated" as used in defining the offense of driving while intoxicated and in the law governing the taking of specimens of body substances.

**S.B. 53** by Sibley Criminal Justice  
Relating to the consequences of a driver's refusing to give a specimen of breath or blood.

**S.B. 54** by Sibley Criminal Justice  
Relating to driving or operating a motor vehicle for purposes of the law governing driving while intoxicated.

**S.B. 55** by Sibley, Harris of Tarrant, Zaffirini State Affairs  
Relating to the sale of alcoholic beverages to minors.

**S.B. 56** by Leedom Economic Development  
Relating to the doctrine of forum non conveniens in certain judicial proceedings.

**S.B. 57** by Moncrief Health and Human Services  
Relating to the screening and treatment for tuberculosis of employees, volunteers, and inmates in county and municipal jails and other correctional facilities.

**S.B. 58** by Leedom Education  
Relating to financing public schools.

**S.B. 59** by Whitmire Criminal Justice  
Relating to the creation of the offense of discharging a firearm from a vehicle.

**S.B. 60** by Whitmire Criminal Justice  
Relating to drug-free and weapon-free school zones and to the imposition of penalties for the delivery, manufacture, or possession with the intent to deliver or manufacture a controlled substance in drug-free school zones or on school buses and penalties for certain offenses involving weapons committed in weapon-free school zones.

**S.B. 61** by Whitmire Criminal Justice  
Relating to the creation of the offense of discharging a firearm at a habitation, building, or vehicle.

**S.B. 62** by Whitmire Criminal Justice  
Relating to the creation of a stalking offense, conditions of probation, parole, or mandatory supervision for defendants convicted of stalking, and notice to victims of stalking about changes in a defendant's custody status.

**S.B. 63** by Leedom Intergovernmental Relations  
Relating to the issuance of anticipation notes by counties and municipalities.

**S.B. 64** by Bivins, Shapiro Committee of the Whole Senate  
on Redistricting, Ethics and Elections  
Subcommittee on Elections and Ethics  
Relating to the representation of persons before executive agencies by members of the legislature.

**S.B. 65** by Bivins Criminal Justice  
Relating to the penalties associated with the offense of driving while intoxicated.



**S.B. 66** by Bivins Criminal Justice  
Relating to elimination of the promiscuity defense in prosecutions for indecency with a child and sexual assaults involving children as victims.

**S.B. 67** by Bivins Education  
Relating to an exemption from the nepotism law for certain small school districts.

**S.B. 68** by Bivins Education  
Relating to a general academic course guide manual prepared by the Texas Higher Education Coordinating Board.

**S.B. 69** by Bivins Finance  
Relating to assessment of the educational effect of legislation establishing additional institutions of higher education, campuses, extension centers, or professional schools or converting or merging those entities.

**S.B. 70** by Bivins Economic Development  
Relating to fees for certain amusement rides.

**S.B. 71** by Bivins Economic Development  
Relating to a motor vehicle insurance premium surcharge for certain traffic law violations.

**S.B. 72** by Bivins, Wentworth Finance  
Relating to allowing reimbursement for expenses and eliminating the per diem paid to a member of a state board or commission.

**S.B. 73** by Bivins, Rosson State Affairs  
Relating to the installation or use of a pen register or a trap and trace device by a communications common carrier or a customer or subscriber of the carrier.

**S.B. 74** by Bivins Natural Resources  
Relating to the rule-making authority of the Texas Water Commission regarding underground water.

**S.B. 98** by Haley Administration  
Relating to the creation, purpose, implementation, and organization of the County Park Compost Program.

#### MEMORIAL RESOLUTIONS

**S.R. 12** - By Turner: In memory of Mrs. Sally Strong Kyle.

**S.R. 21** - By Sims: In memory of Sam Darden of Bandera.

#### CONGRATULATORY RESOLUTIONS

**S.R. 13** - By Turner: Recognizing Dr. Jo Ann Ford of Georgetown for her 30 years of devoted service to the educational system of Texas.

**S.R. 14** - By Turner: Congratulating Mr. and Mrs. Claude Jackson Waddle on the occasion of their 25th wedding anniversary.

**S.R. 15** - By Turner: Recognizing Dr. Charles Edwin Harris, Jr., for his many years of exceptional service to Texas A&M University.

**S.R. 16** - By Turner: Recognizing Dr. Richard W. Stadelmann for his outstanding contributions to Texas A&M University.

**S.R. 17** - By Turner: Recognizing Dr. Richard Becka for his outstanding contributions to Texas A&M University.

**S.R. 18** - By Turner: Recognizing Dr. Hugh J. McCann for his 25 years of distinguished service to Texas A&M University.

**S.R. 19** - By Turner: Recognizing Dr. Manuel M. Davenport for his 25 years of outstanding service to Texas A&M University.

**S.R. 20** - By Moncrief: Congratulating the Reverend C. L. Bryant on his recent promotion to the rank of Bishop.

**S.R. 22** - By Brown: Recognizing William Dojahn for his 32 years of loyal service on the faculty of Angleton High School.

**S.R. 23** - By Sims: Recognizing Ronald A. Mittel on his retirement after 30 years of service as Executive Director of the Schleicher County ASCS office.

#### **ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 11:53 a.m. adjourned until 11:00 a.m. tomorrow.

#### **THIRD DAY**

(Thursday, January 14, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Albert Elam, First Baptist Church, Dale, offered the invocation as follows:

Our Father which art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done in earth as it is in heaven. Give us knowledge that in truth we may do the work before us today that would be good for those whom we represent. And may Your rich blessing be on these, our leaders, today. For we ask in the name of Christ Jesus our Lord. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.